



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, SEPTEMBER 23, 2002 – 7:30 P.M.  
(MAYOR AND COUNCIL CHAMBERS, CITY HALL,  
255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend James R. McCauley, CSP, Saint Cyril's of Alexandria Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager SEPT23-02-567 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager SEPT23-02-568 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**6. CONSENT AGENDA – ITEMS A THROUGH F**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

**7. LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager SEPT23-02-560 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) WING STOP<br>7940 E. Broadway, Suite 102<br>Applicant: Sheryl A. Hill<br>City #064-02, located in Ward 2<br>Series #12<br>Action must be taken by: October 5, 2002     | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Business Lic.: In Compliance |
| (2) TEXACO STAR MART<br>3050 E. Ft. Lowell<br>Applicant: Gregory M. Sargovetz<br>City #066-02, located in Ward 3<br>Series #10<br>Action must be taken by: October 8, 2002 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Business Lic.: In Compliance |
| (3) TEXACO STAR MART<br>3902 E. Speedway<br>Applicant: Gregory M. Sargovetz<br>City #067-02, located in Ward 6<br>Series #10<br>Action must be taken by: October 8, 2002   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Business Lic.: In Compliance |

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| (4) | MARISCOS PLAYA MAZATLAN<br>4547 S. 6 <sup>th</sup> Avenue<br>Applicant: Jorge A. Lamadrid Carranza<br>City #069-02, located in Ward 5<br>Series #12<br>Action must be taken by: October 16, 2002 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Business Lic.: In Compliance |
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NOTE: State law provides that a new license, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S Section 4-201)

Person Transfer(s)

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| (5) | 7-Eleven #17766D<br>1750 E. Speedway Blvd.<br>Applicant: Ajay Gupta<br>City #068-02, located in Ward 6<br>Series #9<br>Action must be taken by: October 15, 2002 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Business Lic.: In Compliance |
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NOTE: For a person to person transfer, the State Liquor Board will not hold a hearing to consider a protest of location or permit testimony against the location at a hearing scheduled to evaluate the personal qualification of the applicant.

(c) Special Event(s)

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| (1) | Arizona Historical Society<br>So. Az. Division - Docent Council<br>949 E. 2 <sup>nd</sup> Street<br>Applicant: Armand M. Ronstadt<br>City #T069-02, located in Ward 6<br>Date of Event: October 29, 2002 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (2) | Rialto Foundation<br>318 E. Congress<br>5 <sup>th</sup> Ave., between Congress and Broadway<br>Applicant: Jeb B. Schoonover<br>City #T072-02, located in Ward 6<br>Date of Event: October 4, 2002        | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (3) | St. Margaret Mary Church<br>801 N. Grande Avenue<br>Applicant: Oscar White<br>City #T074-02, located in Ward 1<br>Date of Event: October 12, 2002<br>October 13, 2002                                    | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |



<p>(5) WILDCAT HOUSE  1801 N. Stone Avenue  Applicant: Randy D. Nations  City #EP32-02, located in Ward 3  Date of Event: October 13, 2002  Type: Temporary</p>	<p><u>Staff Recommendation</u>   Police: In Compliance  DSD: In Compliance</p>
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**8. TUCSON CODE: AMENDING (CHAPTER 7) PROHIBITING ANIMALS WITHIN THE BOUNDARIES OF A STREET FAIR; AND DESIGNATING BOUNDARIES AND DATES FOR THE FOURTH AVENUE STREET FAIR**

- (a) Report from City Manager SEPT23-02-565 WVI
- (b) Ordinance No. 9768 relating to street fairs; amending regulation of street fairs by providing definitions; prohibiting animals within the boundaries of a street fair; providing exemptions for services animals, working animals and event animals; providing penalties; by amending Chapter 7, Article XIII, Section 7-300 and renumbering it as Section 7-301; and by creating new Sections 7-300, 7-302, and 7-303; and declaring an emergency.
- (c) Resolution No. 19365 relating to street fairs; designating boundaries and dates for Fourth Avenue Street Fair; designating certain streets, alleys, sidewalks or portions thereof as subject to the street fair provisions of Tucson Code Sections 7-300 through 7-303; and declaring an emergency.

The City Manager recommends that Mayor and Council provide direction on the attached ordinance and resolution.

**9. ZONING: (C9-02-13) PUEBLO MORTGAGE–SWAN ROAD, R-1 TO O-2; CITY MANAGER’S REPORT**

- (a) Report from City Manager SEPT23-02-563 WVI
- (b) Zoning Examiner’s Report dated September 6, 2002
- (c) Request to rezone approximately 0.19 acres from R-1 (Low Density Residential) to O-2 (Residentially Compatible Office) zoning. Applicant: Carl Winters on behalf of the property owner, Sue Jansen.

The rezoning site is located on the east side of Swan Road between Cooper Street and Broadway Boulevard. The preliminary development plan proposes continuing the use of the existing residence as an office for a mortgage company.

The Zoning Examiner recommends approval of O-2 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 19, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. A minimum of six (6) parking spaces. A temporary revocable easement shall be required for any maneuvering area within the right-of-way.
3. Any roof-mounted mechanical equipment shall be screened from view. The screen shall be integrally designed as part of the architectural style of the building.
4. All outdoor lighting shall be full cut-off – shielded from adjacent residential uses, with light being directed down and away from adjacent residential uses and public roadways.
5. Hours of operation limited to 7:00 AM to 7:00 PM daily.
6. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
7. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
8. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

9. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. One year is allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Four written approvals and one written protest have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**10. ZONING: (C9-01-06) ALLEY – PLACITA DEL MESQUITE, SR AND HSR TO RX-1 AND HRX-1; ORDINANCE ADOPTION**

- (a) Report from City Manager SEPT23-02-573 WII

**11. PUBLIC HEARING: BINGO LICENSE – COUNCIL HOUSE APARTMENTS, 2323 E. 10<sup>TH</sup> STREET, CITY NO. 193**

- (a) Report from City Manager SEPT23-02-566 WVI

COUNCIL HOUSE APARTMENTS, 2323 E. 10<sup>th</sup> Street, Applicant Theodore Ribortella Sr., City No. 193

- (b) Hearing

The City Manager recommends that the application be forwarded to the State Tax Commission for approval.

**12. PUBLIC HEARING: PARKS AND RECREATION STRATEGIC SERVICE PLAN 2012**

- (a) Report from City Manager SEPT23-02-570 CITY-WIDE
- (b) Hearing
- (c) Resolution No. 19368 relating to parks and recreation; authorizing the adoption of the Parks and Recreation Strategic Service Plan 2012; and declaring an emergency.

**13. PUBLIC HEARING: DOWNTOWN, GREASEWOOD ROAD, VALLEY ROAD MAJOR STREETS AND ROUTES PLAN AMENDMENT**

- (a) Report from City Manager SEPT23-02-561 WI & WVI
- (b) Hearing
- (c) Resolution No. 19362 relating to planning and zoning; updating and amending the major streets and routes (MS&R) plan map to facilitate the redevelopment of the Downtown/Rio Nuevo area by removing the note (star) on the MS&R map and associated reference in the Mission Road alignment; removing the Valley and Greasewood Roads alignments from the plan map to facilitate infill development in these areas; and declaring an emergency.

The City Manager recommends adoption of the proposed *Major Streets and Routes Plan* amendments.

**14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager SEPT23-02-558 CITY-WIDE

**15. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**16. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 7, 2002, at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.





# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## ADDENDUM #1 REGULAR MEETING

MONDAY, SEPTEMBER 23, 2002 – 7:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

CONSENT AGENDA ITEM 6(G) AND  
REGULAR AGENDA ITEM 10 (b) HAVE BEEN ADDED

6. CONSENT AGENDA – ITEMS A THROUGH G

**ADDED G. TUCSON CODE: AMENDING (CHAPTER 28) EXTENDING THE  
MINORITY/WOMEN BUSINESS ENTERPRISE PROGRAM TO DECEMBER  
31, 2002**

- (1) Report from City Manager SEPT23-02-574 CITY-WIDE
- (2) Ordinance No. 9771 relating to the Minority/Women Business Enterprise Program; extending by three months the consideration for reauthorization of the MWBE Program by amending Section 4 of Ordinance No. 8741 and declaring an emergency.

10. **ZONING: (C9-01-06) ALLEY – PLACITA DEL MESQUITE, SR AND HSR TO  
RX-1 AND HRX-1; ORDINANCE ADOPTION**

- (a) Report from City Manager SEPT23-02-573(2) WII

**ADDED** (b) Ordinance No. 9772 relating to zoning: amending zoning district boundaries in the area located 1,100 feet west of Craycroft Road and approximately 725 feet north of Fort Lowell Road at the west end of Placita del Mesquite in Case C9-01-06, Alley – Placita del Mesquite, SR and HSR to RX-1 and HRX-1; and setting an effective date.

A three-fourths majority vote will be necessary to adopt the attached ordinance.